

MELINDA HAAG (CABN 132612)  
United States Attorney  
MIRANDA KANE (CABN 150630)  
Chief, Criminal Division  
JEFFREY B. SCHENK (CASBN 234355)  
Assistant United States Attorney  
150 Almaden Boulevard  
San Jose, California 95113  
Telephone: (408) 535-2695  
Facsimile: (408) 535-5066  
Email: jeffrey.b.schenk@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 10-00450-EJD
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER EXCLUDING TIME FROM MAY
v.	)	14, 2012 TO NOVEMBER 5, 2012 FROM
	)	THE SPEEDY TRIAL ACT
STEVEN FOSTER,	)	CALCULATION (18 U.S.C. §
	)	3161(h)(7)(A))
Defendant.	)	
	)	
	)	

On May 14, 2012, the parties appeared before this Court for a status hearing/trial setting conference. The Court set the matter for trial beginning on November 5, 2012 with jury selection. Trial is scheduled to commence the following day.

The parties stipulate that the time between today's court appearance, May 14, 2012, and the beginning of trial, November 5, 2012, is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested trial date would unreasonably deny the defense counsel and the government reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested trial date outweigh the best interest of the public, and the

1 defendants in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C.  
2 §3161(h)(7)(A).

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4 DATED: May 15, 2012

MELINDA HAAG  
United States Attorney

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6 /s/  
JEFFREY B. SCHENK  
7 Assistant United States Attorney

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9 /s/  
MANUEL ARAUJO  
10 Attorney for Defendant

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION  
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14 UNITED STATES OF AMERICA, )  
15 Plaintiff, )  
16 v. )  
17 STEVEN FOSTER, )  
18 Defendant. )  
19 \_\_\_\_\_ )

No. CR 10-00450-EJD

~~PROPOSED~~ ORDER EXCLUDING  
TIME FROM MAY 14, 2012 TO  
NOVEMBER 5, 2012 FROM THE  
SPEEDY TRIAL ACT CALCULATION  
(18 U.S.C. § 3161(h)(7)(A))

20 **ORDER**

21 Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY  
22 ORDERS that the time between May 14, 2012 and the beginning of trial, November 5, 2012, is  
23 excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to set the  
24 case for trial on November 5, 2012 would unreasonably deny the defense counsel and the  
25 government reasonable time necessary for effective preparation, taking into account the exercise  
26 of due diligence. Furthermore, the Court finds that the ends of justice served by granting the  
27 requested continuance through the current trial date outweigh the best interest of the public and  
28 the defendants in a speedy trial and in the prompt disposition of criminal cases. The court

1 therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(7)(A).  
2

3 IT IS SO ORDERED.  
4

5 DATED: May 15, 2012  
6

A handwritten signature in black ink, appearing to read "Edward J. Davila", is written over a horizontal line.

EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE